

**Amendments to the Drawings**

The attached sheet of drawings includes the deletion of Fig. 2. This sheet, which includes Fig. 1, replaces the previous sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

### Remarks/Arguments

#### Amendments to the Claims

Claim 9 has been amended as follows:

9. (currently amended) A gearbox actuation system for selecting and shifting gears in an automated gearbox of a vehicle comprising:

a shift finger;

a plurality of gearshift rails, each rail in the plurality of gearshift rails in a respective position;

a neutral gap with a first portion formed by respective jaws for said each rail and with a second portion formed separate from the respective jaws and open to the first portion; and,

a gearshift motor, wherein the motor is arranged to move the shift finger in a reference travel from a reference point in the first portion to the second portion and wherein during the movement of the shift finger from the reference point in the first portion to the second portion, said each rail remains in the respective position.

The claim amendments are fully supported by the instant specification and drawings. Shift finger (24), a plurality of gearshift rails (12, 14, 16), a neutral gap with first portion (18, 20, 22) and second portion (30), and jaws (13a, 13b, 15a, 15b, 17a, 17b) are shown in Fig. 1 and described in paragraphs [0020] and [0021]. A gearshift motor is described in paragraph [0018]. The reference travel and reference position are described in paragraphs [0020] and [0021]. The movement through the reference travel without a gearshift change is supported by paragraph [0014].

The limitations of new Claim 23 and 24 are supported by the portions of the instant specification and Fig. 1 of the instant application as discussed above.

No new matter has been added.

#### Objection to the Specification

Applicants have removed the portion of paragraph [0021] objected to by the Examiner.

Applicants courteously request that the objection be removed.

### Objection to the Drawings

Applicants have submitted a replacement sheet 1 from which Fig. 2 has been removed.  
Applicants courteously request that the objection be removed.

### The Rejection of Claims 9-22 Under 35 U.S.C. § 102(b)

Claims 9-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,408,898 (Steeby et al.). Applicants respectfully traverse the rejection.

“A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).” MPEP §2131.

#### **Claim 9**

#### Steeby does not teach a second portion of a neutral gap

Amended Claim 9 recites: “a neutral gap with a first portion formed by respective jaws for said each rail and *with a second portion formed separate from the respective jaws and open to the first portion;*” (emphasis added) The second portion is shown in Fig. 1 and labeled as “30.”

Assuming *arguendo* that notches 57 and recesses 63 and 65 are analogous to the first portion recited in Claim 9, and the portions of the shift rails that define the notches and recesses are analogous to the jaws recited in Claim 9, Steeby does not teach any structure analogous to the second portion. Specifically, any notches or recesses in which the shift finger of Steeby moves are fully and only defined by the structure of the shift rails, that is, the “jaws” of the shift rails.

#### Steeby does not teach movement of the shift finger to a position outside the rails

Amended Claim 9 recites: “wherein the motor is arranged to move the shift finger in a reference travel from a reference point in the first portion to the second portion”

As shown above, Steeby does not teach the second portion of the neutral gap. Therefore, Steeby cannot teach movement of the shift finger into the second portion.

#### Steeby does not teach movement of the shift finger between rails without a gearshift

Amended Claim 9 recites: “wherein during the movement of the shift finger from the reference point in the first portion to the second portion, said each rail remains in the respective position.”

As noted above Steeby does not teach the second portion recited in Claim 9 or movement of the shift finger into the second portion.

In general, Steeby teaches moving a finger to shift gears. Although some movement by the shift finger does not immediately result in a gear change, for example, lateral movement in one direction as shown in Fig. 5, Steeby does not teach a movement of the shift finger between rails without a gearshift being involved. For example, *assuming* arguendo that with the shift finger located in rail 11, some portion of the notch or recesses in rails 13 or 15 were analogous to the second portion of the neutral gap, which is not true, Steeby still does not teach reaching the notch or recesses without a gearshift, for example as shown in the "OPERATION" section of Steeby (col. 6, line 32 to col. 7, line 37).

For all the reasons noted above, each and every element as set forth in Claim 9 is not found, either expressly or inherently described in Steeby. Nor does Steeby suggest or motivate all the elements of Claim 9. Therefore, Claim 9 is novel with respect to Steeby. Claims 12 through 22, dependent from Claim 9, enjoy the same distinction with respect to Steeby.

#### **New Claim 23**

##### **Steeby does not teach a second portion of a neutral gap**

New Claim 23 recites: "a neutral gap with a first portion formed by respective jaws for said each rail and with a second portion formed separate from the respective jaws and open to the first portion"

As shown above, Steeby does not teach, suggest, or motivate a second portion of a neutral gap.

##### **Steeby does not teach moving a shift finger to the second portion**

New Claim 23 recites: "wherein the motor is arranged to move the shift finger in a reference travel from a reference point in the first portion to the second portion."

As shown above, Steeby does not teach, suggest, or motivate movement of a shift finger to a second portion of the neutral gap.

For all the reasons noted above, each and every element as set forth in Claim 23 is not found, either expressly or inherently described in Steeby. Nor does Steeby suggest or motivate all the elements of Claim 23. Therefore, Claim 23 is novel with respect to Steeby.

## **New Claim 24**

### **Steeby does not teach a second portion of a neutral gap**

New Claim 24 recites: “a neutral gap with a first portion formed by respective jaws for said each rail and with a second portion formed separate from the respective jaws and open to the first portion”

As shown above, Steeby does not teach, suggest, or motivate a second portion of a neutral gap.

### **Steeby does not teach moving a shift finger to the second portion and back to a reference point**

New Claim 24 recites: “wherein the motor is arranged to move the shift finger in a reference travel from a reference point in the first portion to the second portion and back to the reference position.”

As shown above, Steeby does not teach, suggest, or motivate movement of a shift finger to a second portion of a neutral gap. Therefore, Steeby does not teach, suggest, or motivate movement of the shift finger back to a reference point from the second portion.

For all the reasons noted above, each and every element as set forth in Claim 24 is not found, either expressly or inherently described in Steeby. Nor does Steeby suggest or motivate all the elements of Claim 24. Therefore, Claim 24 is novel with respect to Steeby.

Applicants courteously request that the rejection be removed.

**Conclusion**

Applicants respectfully submit that the claims are in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

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## **Appendix**